

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WILLIAM BISCAN, individually and on behalf of all others similarly situated,

Plaintiff,

v.

SHIELDS HEALTH CARE GROUP, INC.,

Defendant.

CIVIL ACTION NO.: 1:22-cv-10901-PBS

LISA SMITH individually and on behalf of all others similarly situated,

Plaintiff,

v.

SHIELDS HEALTH CARE GROUP, INC.,

Defendant.

CIVIL ACTION NO.: 4:22-cv-10932-DHH

JAMES BUECHLER, individually and on behalf of all others similarly situated,

Plaintiff,

v.

SHIELDS HEALTH CARE GROUP, INC.,

Defendant.

CIVIL ACTION NO.: 1:22-cv-10988-PBS

ELSIE DIAZ, individually and on behalf of all others similarly situated,

Plaintiff,

v.

SHIELDS HEALTH CARE GROUP, INC.,

Defendant.

CIVIL ACTION NO.: 1:22-cv-11002-AK

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| JONATHAN ROACH, individually and on behalf of all others similarly situated, Plaintiff, v. SHIELDS HEALTH CARE GROUP, INC., Defendant. | CIVIL ACTION NO.: 1:22-cv-11035-PBS |
| TENNIE KOMAR, on behalf of herself and all others similarly situated, Plaintiff, v. SHIELDS HEALTH CARE GROUP, INC., Defendant. | CIVIL ACTION NO.: 1:22-cv-11109-JCB |
| DEBRA MONETTE, on behalf of herself and all others similarly situated, Plaintiff, v. SHIELDS HEALTH CARE GROUP, INC., Defendant. | CIVIL ACTION NO.: 1:22-cv-11131-PBS |

[PROPOSED] ORDER GRANTING ASSENTED-TO MOTION FOR
CONSOLIDATION OF ACTIONS AND SETTING SCHEDULE FOR APPLICATIONS
FOR APPOINTMENT OF INTERIM CLASS COUNSEL

WHEREAS, pursuant to Fed. R. Civ. P. 42(a) and Local Rule 40.1(j), Plaintiffs in the above-captioned matters (collectively “Plaintiffs”), by and through counsel, have requested that this Court enter an Order: (1) consolidating the above-captioned actions; and (2) setting a schedule for the submission of applications for appointment of interim class counsel in these related actions;

WHEREAS, there are seven (7) related proposed class actions pending in the District of Massachusetts: *Biscan v. Shields Health Care Group, Inc.*, Case No. 1:22-CV-10901; *Smith v. Shields Health Care Group, Inc.*, Case No. 4:22-CV-10932; *Buechler v. Shields Health Care Group, Inc.*, Case No. 1:22-CV-10988; *Diaz v. Shields Health Care Group, Inc.*, Case No. 1:22-CV-11002; *Roach v. Shields Health Care Group, Inc.*, Case No. 1:22-CV-11035; *Komar v. Shields Health Care Group, Inc.*, Case No. 1:22-CV-11109; and *Monette v. Shields Health Care Group, Inc.*, Case No. 1:22-CV-11131 (together, the “Related Cases”);

WHEREAS, Plaintiffs in the Related Cases (“Plaintiffs”) allege that Defendant Shields Health Care Group, Inc. (“Shields”) failed to secure sensitive information stored on its file servers and thus compromised millions of people’s personal information (the “Data Breach”);

WHEREAS, Plaintiffs and Shields, by and through their respective counsel (together, the “parties”), have conferred and agree that consolidation is appropriate under Federal Rule of Civil Procedure 42(a) because the Related Cases involve common questions of law or fact.

Specifically, the cases name a common defendant, arise from the same Data Breach, and assert similar claims;

WHEREAS, Plaintiffs agree that a streamlined process for the appointment of interim class counsel under Fed. R. Civ. P. 23(g)(3) will be beneficial to the effective prosecution of the class claims;

WHEREAS, Defendant has assented to the relief sought in Plaintiffs’ motion.

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

1. The following actions pending in this District shall be consolidated for all pre-trial purposes pursuant to Federal Rule of Civil Procedure 42(a) (hereinafter the “Consolidated Action”):

- a. *Biscan v. Shields Health Care Group, Inc.*, Case No. 1:22-CV-10901;
 - b. *Smith v. Shields Health Care Group, Inc.*, Case No. 4:22-CV-10932;
 - c. *Buechler v. Shields Health Care Group, Inc.*, Case No. 1:22-CV-10988;
 - d. *Diaz v. Shields Health Care Group, Inc.*, Case No. 1:22-CV-11002;
 - e. *Roach v. Shields Health Care Group, Inc.*, Case No. 1:22-CV-11035;
 - f. *Komar v. Shields Health Care Group, Inc.*, Case No. 1:22-CV-11109; and
 - g. *Monette v. Shields Health Care Group, Inc.*, Case No. 1:22-CV-11131.
2. Defendant shall have no obligation to Answer or otherwise respond to the complaints in the above-listed matters during the period before Plaintiffs file a consolidated complaint.
3. All papers filed in the Consolidated Action must be filed under case No. 1:22-CV-10901, the number assigned to the first-filed case, and must bear the following caption:

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

In re Shields Health Care Group, Inc. Data Breach Litigation

CIVIL ACTION NO.: 1:22-cv-10901-PBS

4. The case file for the Consolidated Action will be maintained under Master File Case No. 1:22-cv-10901.
5. The Clerk is directed to administratively close the following related cases:
- a. *Smith v. Shields Health Care Group, Inc.*, Case No. 4:22-CV-10932;
 - b. *Buechler v. Shields Health Care Group, Inc.*, Case No. 1:22-CV-10988;
 - c. *Diaz v. Shields Health Care Group, Inc.*, Case No. 1:22-CV-11002;
 - d. *Roach v. Shields Health Care Group, Inc.*, Case No. 1:22-CV-11035;

e. *Komar v. Shields Health Care Group, Inc.*, Case No. 1:22-CV-11109; and

f. *Monette v. Shields Health Care Group, Inc.*, Case No. 1:22-CV-11131.

6. Any action subsequently filed, transferred, or removed to this Court that arises out of the same or similar operative facts as the Consolidated Action will be automatically consolidated within five (5) business days following the filing of that action. If any party objects to such consolidation or otherwise wishes to seek alternative relief, they shall do so before the expiration of that period.

7. The parties shall file a Notice of Related Cases pursuant to Local Rule 40.1(g) whenever a case that should be consolidated into this action is filed in, or transferred to, this District. If the Court determines that the case is related, the clerk shall:

- a. Place a copy of this Order in the separate file for such action;
- b. Serve on plaintiffs' counsel in the new case a copy of this Order;
- c. Direct this Order to be served upon defendant(s) in the new case; and
- d. Make the appropriate entry on the Master Docket.

8. This action shall proceed on the following schedule:

- a. Any counsel in the Related Actions may file an individual or joint application for consideration as interim class counsel within five (5) business days after entry of an order consolidating the Related Actions;
- b. Plaintiffs will file a Consolidated Complaint ("Complaint") no later than forty-five (45) days following entry of an Order appointing interim class counsel; and
- c. Defendant will Answer or otherwise respond to the Complaint no later than thirty (30) days following filing of the Complaint.

IT IS SO ORDERED.

Dated: 8/1/22


Paul B. Sawin

The Honorable _____